

COUNCIL and COMMITTEE SESSION SUMMARY

Wednesday, July 22, 2009 - Tuesday, July 28, 2009

*This summary is not intended to be the official record of the Council –
Official minutes are available for that purpose in the Office of Legislative Information Services*

PS/MFP	9:30 AM - 7CHR	
Jul 23	(1) • Public Safety Communications Systems (PSCS) (Toregas)	Held discussion
PS	10:30 AM - 7CHR	
Jul 23	(1) • Quarterly Update - MCFRS Reorganization (Davidson)	Received update
	(2) • Quarterly Update - Fire Code Enforcement (Davidson)	Received update
	(3) • Supplemental appropriation - MCFRS - \$1,338,845 for FY09 Senator Amoss Fire, Rescue, and Ambulance Fund (State 508) Grant (Davidson)	Recommended approval
	(4) • Special appropriation - \$1,029,500 for a FFY09 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) (Farang)	Recommended approval
	(5) • Executive Regulation 12-09, Establishment of Annual Registration Fee for Common Ownership Communities (Farang)	Recommended approval if amended
	12:00 Noon - 6CCR	
	(6) • Interview - County Executive appointees to the Fire and Emergency Services Commission (Ferber)	Conducted interview
T&E	2:00 PM - 7CHR	
Jul 23	(1) • Briefing - Solid Waste Services (Levchenko)	Received briefing
	(2) • Special appropriations -Department of Transportation - \$350,000 for the American Recovery and Reinvestment Act Grant, \$750,000 for the BRAC Bicycle and Pedestrian Facilities, and \$2,775,000 for ARRA Traffic Improvements and \$5,715,000 for ARRA Highway Improvements (Orlin)	Recommended approval
	(3) • Resolution to approve the modification of a previously approved abandonment of Marden Lane on the Brooke Grove Campus in Sandy Spring (Orlin)	Recommended approval
	(4) • Resolution to approve the abandonment of Reed Street in the Miller's Second Addition to Bethesda Subdivision in Bethesda (Orlin)	Recommended approval
PHED/T&E	2:00 PM - 7CHR	
Jul 27	(1) • Briefing from the Interagency Workgroup on Clarksburg Stage 4 (Michaelson/Levchenko)	Briefing
PHED	3:00 PM - 7CHR	
Jul 27	(1) • Update- Zoning Ordinance re-write (Zyontz)	Update
	(2) • ZTA 09-04, Rural Neighborhood Cluster (RNC) Zones - Equestrian facilities (Zyontz)	Recommended approval

MONDAY, JULY 27, 2009

RES/ORD	SUBJECT	ACTION
MFP	2:00 PM - 3CHR To be televised live on County Cable Montgomery	
Jul 27	(1) • Executive Regulation 8-09, Development Impact Tax for Public School Improvements (Orlin)	Recommended approval
	(2) • Executive Regulation 9-09, Development Impact Tax for Transportation (Orlin)	Recommended approval
	(3) • Update - County economic indicators (Farber)	Received update
	(4) • Update - County fiscal situation for FY10-11 (Farber)	Received update
	(5) • Bill 12-09 , Ethics - Ex Parte Communications (Faden)	Worksession to be continued

TUESDAY, JULY 28, 2009

	8:30 - 9:15 COFFEE with the County Executive (<i>6th floor Council Conference Room</i>)	Meeting
	9:30 INVOCATION - Mary Alice Rose, Chair of Board of Trustees, First Church of Christ, Scientist, Chevy Chase	Invocation given by Mary Alice Rose
	9:35 PRESENTATION - Proclamation in recognition of Prachee Devadas, 2009 Maryland State Small Business Person of the Year, by Councilmembers Ervin and Floreen	Proclamation presented
	9:40 GENERAL BUSINESS (Lauer)	
	A. Announcements: (Lauer)	
	• Agenda and Calendar Changes	Announced changes
	• Public hearing on the Gaithersburg West Master Plan - September 15, 2009 at 7:30 pm.	Announced
	• Public forum on Executive Regulation 03-09, Agricultural Land Preservation Easement Purchases (Building Lot Termination Easement Program) - September 17, 2009 at 7:30 pm.	
	• Public hearing on Spending Affordability Guidelines for FY11 Capital Budget - September 22, 2009 at 1:30 pm.	
	• Public hearing on the 2009-2011 Growth Policy - September 22, 2009 at 7:30 pm.	
	• Public forum on Speed Control Strategies - September 29, 2009 at 7:30 pm.	
(1)	B. Acknowledgement - Receipt of Petitions	Acknowledged
	C. Action - Approval of Minutes: July 14, 2009	Approved (7y; DT ta; NN a)*

TUESDAY, JULY 28, 2009

RES/ORD	SUBJECT	ACTION
	(2) 9:45 CONSENT CALENDAR	Approved (7y; DT ta; NN a)*
16-1054	A. Action - Special appropriation to Montgomery County Public Schools' FY10 Capital Budget and amendment to the FY09-14 Capital Improvements Program - \$602,651 Planned Lifecycle Asset Replacement for Aging Schools Program (Source: State grant) (McGuire)	Adopted
16-1055	B. Action - Extension of time for Council action on resolutions due to expire August 31, 2009 (Lauer)	Adopted
16-1056	C. Action - Resolution to approve the modification of the previously approved abandonment of Marden Lane on the Brooke Grove Campus in Sandy Spring (Orlin) <i>T&E Committee recommendation will be available 7/23/09.</i>	Adopted
16-1057	D. Action - Resolution to approve the abandonment of a portion of unimproved Pine Street in the Hollywood Park Subdivision in Silver Spring (Orlin)	Adopted
16-1058	E. Action - Resolution to approve the abandonment of an unimproved and unnamed right-of-way off of Marywood Road in the Marywood Subdivision in Bethesda (Orlin)	Adopted
16-1059	F. Action - Resolution to approve the abandonment of Reed Street in the Miller's Second Addition to Bethesda Subdivision in Bethesda (Orlin) <i>T&E Committee recommendation will be available 7/23/09.</i>	Adopted (6y; ME n; DT ta; NN a)*
16-1060	Change: G. Action - Resolution to extend time until December 31, 2009 for Council action on Executive Regulation 12-09, Establishment of Annual Registration Fee for Common Ownership Communities (Farg)	Adopted
16-1061	H. Action - Executive Regulation 8-09, Development Impact Tax for Public School Improvements (Orlin) <i>MFP Committee recommendation will be available 7/27/09.</i>	Adopted
16-1062	I. Action - Executive Regulation 9-09, Development Impact Tax for Transportation (Orlin) <i>MFP Committee recommendation will be available 7/27/09.</i>	Adopted

TUESDAY, JULY 28, 2009

RES/ORD	SUBJECT	ACTION
16-1063	<p align="center">J. Action - Resolution to extend time until December 31, 2009 for Council action on Executive Regulation 03-09, Agricultural Land Preservation Easement Purchases (Michaelson)</p> <p align="center"><i>A public forum on these regulations is scheduled for 9/17/09 at 7:30 pm.</i></p>	Adopted
16-1064	<p align="center">K. Action - Confirmation of County Executive appointments to the Alcohol and Other Drug Abuse Advisory Council: Paul L. Harrington, James C. Sutton, Roni K. White, A.J. Mitchell, Eric E. Sterling (Ferber)</p>	Adopted
16-1065	<p align="center">L. Action - Confirmation of County Executive appointments to the Citizens Review Panel for Children: Stacy Wolff, Migdalia V. Rivera-Goba (Ferber)</p>	Adopted
16-1066	<p align="center">M. Action - Confirmation of County Executive appointment to the Commission on Child Care: Janine G. Bacquie (Ferber)</p>	Adopted
16-1067	<p align="center">N. Action - Confirmation of County Executive appointment to the Commission on Common Ownership Communities: Elizabeth M. Molloy (Ferber)</p>	Adopted
16-1068	<p align="center">O. Action - Confirmation of County Executive appointments to the Commission on Juvenile Justice: Christine Bartlett, Paul L. Vance, Susan Cruz, Jennifer Gauthier, Nancy Gannon Hornberger, Mondie Kumbula-Fraser, Sharon M. Kelly, Mary E. Poulin, Maurice R. Sessoms, L. Blaine Clarke (Ferber)</p>	Adopted
16-1069	<p align="center">P. Action - Confirmation of County Executive appointment to the Community Action Board: Latroy T. Powell (Ferber)</p>	Adopted
16-1070	<p align="center">Q. Action - Confirmation of County Executive appointments to the County-wide Recreation Advisory Board: Sean T. Smith, Craig A. Snedeker (Ferber)</p>	Adopted
16-1071	<p align="center">R. Action - Confirmation of County Executive appointments to the Dickerson Area Facilities Implementation Group: Ed Violette, Heinz B. Bachmann (Ferber)</p>	Adopted
16-1072	<p align="center">S. Action - Confirmation of County Executive appointments to the Down County Recreation Advisory Board: Joy Shindler Rafey, John D. Pechilis (Ferber)</p>	Adopted
16-1073	<p align="center">T. Action - Confirmation of County Executive appointments to the East County Recreation Advisory Board: La Shane D. Crutchfield, Mark Pharaoh (Ferber)</p>	Adopted

TUESDAY, JULY 28, 2009

RES/ORD	SUBJECT	ACTION
16-1074	U. Action - Confirmation of County Executive appointments to the Fire and Emergency Services Commission: Paul J. M. Lilly, Joel E. Buzy, Raymond Sanchez, Michael A. McAdams, Ronald L. Ogens, Anita Powell, Chris James Zervas (Ferber)	Adopted
16-1075	V. Action - Confirmation of County Executive appointments to the Friendship Heights Transportation Management District Advisory Committee: Robert M. Schwarzbart, R. Mallory Starr (Ferber)	Adopted
16-1076	W. Action - Confirmation of County Executive appointments to the Human Rights Commission: Doug Ryan, Elizabeth "Babeth" Mulumba, Sajjad "Saj" Durrani (Ferber)	Adopted
16-1077	X. Action - Confirmation of County Executive appointments to the Mid-County Recreation Advisory Board: Arquilla Ridgell, Tchad J. Moore (Ferber)	Adopted
16-1078	Y. Action - Confirmation of County Executive appointments to the Mid-County Citizens Advisory Board: Eileen Cahill, Marian A. Altman, Lisa A. Hoston, Randy E. McDonald, Norman Goldstein, Mary F. Scholl, Gamunu Wijetunge (Ferber)	Adopted
16-1079	Z. Action - Confirmation of County Executive appointments to the Silver Spring Urban District Advisory Committee: Marne Setton, Jennifer Nettles, Julie Statland, Robert Zeender (Ferber)	Adopted
16-1080	AA. Action - Confirmation of County Executive appointment to the Revenue Authority: David D. Freishtat (Ferber)	Adopted
16-1081	BB. Action - Confirmation of County Executive appointment to the Water Quality Advisory Group: Lonnie W. Luther (Ferber)	Adopted
16-1082	CC. Action - Confirmation of County Executive appointments to the Workforce Investment Board: Dennis K. Fallen, Michael J. Sullivan, Jr., Gerald M. Shapiro, Elwood Gray, Jr., David N. Rodich, Stephen D. Cain, Steven A. Silverman (Ferber)	Adopted
16-1083	DD. Action - Resolution to approve the FY10 schedule of revenue estimates and appropriations (Sherer)	Adopted
16-1084	EE. Action - Resolution to amend Resolution 16-970 for the FY10 Designation of Entities for Non-Competitive Contract Award Status: Manna Food Center (McMillan)	Adopted

TUESDAY, JULY 28, 2009

RES/ORD	SUBJECT	ACTION
	<p>Add: FF. Introduction - Resolution to support application for a State of Maryland Neighborhood Business Works Program loan: Hook and Ladder Restaurant (Davidson)</p> <p align="center"><i>Action is tentatively scheduled for 9/15/09.</i></p>	Introduced
	<p>Add: GG. Introduction - Special appropriation to the County Government's FY09 Operating Budget, Department of Police - \$53,330 for Byrne Justice Recovery Act (BJRA) Grant (Source: Federal grant) (Farag)</p> <p align="center"><i>Public Hearing/Action is scheduled for 9/15/09 at 1:30 pm.</i></p>	Introduced
	9:55 LEGISLATIVE SESSION Day # 31	
	A. Introduction of Bills	
	<p>(3) • Expedited Bill 30-09, Personnel - Guaranteed Retirement Income Plan - Retirement Savings Plan, sponsored by the Council President at the request of the County Executive (Drummer)</p> <p align="center"><i>Public Hearing is scheduled for 9/15/09 at 1:30 pm.</i></p>	Introduced
	<p>(3.1) • Bill 31-09, Administration - Consideration of Bills - One Subject, sponsored by Council President Andrews (Drummer)</p> <p align="center"><i>Public Hearing is scheduled for 9/15/09 at 1:30 pm.</i></p>	Introduced
	<p>(3.2) • Expedited Bill 32-09, Taxation - Impact Taxes - Inflation Adjustment - Temporary Suspension, sponsored by Councilmember Elrich (Drummer)</p> <p align="center"><i>Public Hearing is scheduled for 9/15/09 at 1:30 pm.</i></p>	Introduced
	B. Miscellaneous Business:	
16-1085	<p>(4) • Action - Resolution to extend expiration date of Bill 19-07, Eating and Drinking Establishments - Nutrition Labeling until August 31, 2010 (Lauer)</p>	Adopted (5y; RB, VE, DT ta; NN a)*
	10:00 UPDATE on the following: (Farber)	
	(5) • Update - County economic indicators	Received update
	(6) • Update - County fiscal situation for FY10-11	Received update
16-1086	<p>(7) 11:00 ACTION - Resolution to amend the Amended Silver Spring Urban Renewal Plan: Pedestrian Bridge to proposed Silver Spring Library (Zyontz)</p> <p align="center"><i>PHED/HHS Committee recommends disapproval.</i></p>	Adopted (7y; GL n; NN a)*

TUESDAY, JULY 28, 2009

RES/ORD	SUBJECT	ACTION
	11:15 DISTRICT COUNCIL SESSION	
	(8) A. Introduction - Zoning Text Amendment 09-06, Town Sector (TS) Zone - Minimum area, sponsored by Councilmembers Knapp, Elrich, and Floreen (Zyontz)	Introduced
16-1087	<i>Action - Resolution to establish public hearing for 9/15/09 at 1:30 pm.</i>	Adopted (8y; NN a)*
	(8.1) AA. Introduction - Zoning Text Amendment 09-07, Life Science Center (LSC) Zone - Revisions, sponsored by District Council at request of the Planning Board (Zyontz)	Introduced
16-1088	<i>Action - Resolution to establish public hearing for 9/15/09 at 7:30 pm.</i>	Adopted (8y; NN a)*
16-1089	(9) B. Action - Request for withdrawal without prejudice of Local Map Amendment: (Zyontz) Application No: G-823 Applicant: Arnold Fainman d/b/a Tommy Scott, Inc. (Stephen J. Orens and Rebecca D. Willens, Attorneys) Property: 13,371 square feet located at 8804 Old Georgetown Road Bethesda, in the 7 th Election District	Adopted (8y; NN a)*
16-1090	(10) C. Action - Consideration of Hearing Examiner's Report and Recommendation: (Zyontz) Application No: Development Plan Amendment (DPA) 09-1 Applicant: Fairland Development, LLC and Fairland Development II, LLC (Barbara Sears and Yum Yu Cheng, Attorneys) Property: 314 acres, located along the border between Montgomery County and Prince George's County, south of Maryland Route 198 and east & north of Greencastle Road Action: Amend the Development Plan in G-813 and G-814 Recommendations: Planning Staff: Approve Planning Board: Approve Hearing Examiner: Approve	Adopted (8y; NN a)*
16-1091	(11) 11:30 D. Oral Argument and Consideration of Hearing Examiner's Report and Recommendation: (Zyontz) Application No: G-878 Applicant: Germantown, LLC (Cindy Bar, Attorney) Property: 8.46 acres located at 18451 Mateny Road Action: Rezone from C-1 to RT-15 Recommendations: Planning Staff: Approve Planning Board: Approve Hearing Examiner: Approve	Oral Argument; straw vote to deny application; resolution to deny to be considered in September; extended time for Council action to 9/30/09
	12:30 RECESS	

TUESDAY, JULY 28, 2009

RES/ORD	SUBJECT	ACTION
	(12) 1:30 PUBLIC HEARING - Zoning Text Amendment 09-05, Burtonsville Overlay Zone -Allowed uses (Zyontz) <i>PHED Committee worksession tentatively scheduled for 9/21/09.</i>	PH held; record open until COB 9/17/09
	(13) 1:30 PUBLIC HEARING - Subdivision Regulation Amendment 09-02, Subdivision Approval - Conflict Resolution (Zyontz) <i>PHED Committee worksession tentatively scheduled for 9/22/09.</i>	PH held; record open until COB 9/17/09
	(14) 1:30 PUBLIC HEARING - Supplemental appropriation to the FY09 Capital Budget and amendment to the FY09-14 Capital Improvements Program for the Department of Police, Montgomery County Fire and Rescue Service, Montgomery County Public Schools, and Maryland-National Capital Park and Planning Commission - \$48,316,000 for Smart Growth Initiative - PSTA and Multi-Agency Service Park (Webb Tract) (Source: Interim Financing) (McMillan) <i>PS/T&E Committee worksession tentatively scheduled for 9/17/09.</i>	PH held; record open until COB 9/10/09
16-1092	(15) 1:30 PUBLIC HEARING/ACTION - Supplemental appropriation to the County Government's FY10 Operating Budget, Montgomery County Fire and Rescue Service - \$1,338,845 for FY09 Senator Amoss Fire, Rescue, and Ambulance Fund (State 508) Grant (Source: State Grant) (Davidson) <i>PS Committee recommendation will be available 7/23/09.</i>	PH held; record closed. Adopted (6y; VE, DT ta; NN a)*
	(16) 1:30 PUBLIC HEARING/ACTION - Special appropriations to the County Government's FY10 Operating and Capital Budgets and amendments to the FY09-14 Capital Improvements Program, Department of Transportation (Orlin)	PH held; record closed. Adopted (7y; VE ta; NN a)*
16-1093	<ul style="list-style-type: none"> • Division of Transit Services - \$350,000 for the American Recovery and Reinvestment Act (ARRA) Grant (Source: Federal grant) 	
16-1094	<ul style="list-style-type: none"> • \$750,000 for the BRAC Bicycle and Pedestrian Facilities (Source: Federal Aid) 	
16-1095	<ul style="list-style-type: none"> • \$2,775,000 for ARRA Traffic Improvements and \$5,715,000 for ARRA Highway Improvements (Source: Federal Aid) <i>T&E Committee recommendation will be available 7/23/09.</i>	
	(17) 1:30 PUBLIC HEARING/ACTION - Special appropriations to the County Government's FY10 Operating Budget, Department of Health and Human Services for American Recovery and Reinvestment Act (ARRA): (Source: Federal ARRA grant funds) (Yao)	PH held; record closed. Adopted (7y; VE ta; NN a)*
16-1096	<ul style="list-style-type: none"> • \$763,334 - Community Services Block Grant 	
16-1097	<ul style="list-style-type: none"> • \$206,978 - Senior Nutrition 	
16-1098	<ul style="list-style-type: none"> • \$245,000 - Immunization Activities 	
16-1099	<ul style="list-style-type: none"> • \$587,101 - Part C IDEA, Montgomery County Infants and Toddlers Program 	

TUESDAY, JULY 28, 2009

RES/ORD	SUBJECT	ACTION
16-1100	(18) 1:30 PUBLIC HEARING/ACTION - Special appropriation to the County Government's FY10 Operating Budget for Police, Sheriff, State's Attorney, Corrections, and DHHS - \$1,029,500 for a FFY09 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) (Source: Federal grant) (Farag)	PH held; record closed. Adopted (7y; VE ta; NN a)*
	(19) 2:30 WORKSESSION - Germantown Sector Plan	Worksession (Straw vote - Approved 8y; NN a)*
	5:00 ADJOURN	

*y=yes; n=no; ta=temporarily absent; a=absent